

Attorney's Docket No.: 10578-003002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William B. Kerfoot
Serial No. : 09/993,152
Filed : November 6, 2001
Title : GAS-GAS-WATER TREATMENT SYSTEM FOR GROUNDWATER AND
SOIL REMEDIATION

Art Unit : 1724
Examiner : Fred G. Prince

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF SEPTEMBER 10, 2003

In reply to the Office Action of September 10, 2003, Applicant submits the following remarks.

The examiner has rejected claims 13, 14, 24-26 and 27-40 under obviousness-type double patenting as being unpatentable over claims 1, 6, 12, 19 and 27 of U.S. Patent 6,312,605. The applicant filed a terminal disclaimer on July 22, 2003 in order to obviate the double patenting rejection.

The examiner argued that the terminal disclaimer of July 22, 2003 did not comply with 37 CFR 1.321(b) and/or (c) because, "The person who signed the disclaimer has not stated the extent of his/her interest, or the business entity's interest, in the applicant/patent. See 37 CFR 1.321 (b)(3)." In paragraphs 2 and 3 of the terminal disclaimer, the undersigned states, "The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, the application is not assigned and thus, title is in the name of William Kerfoot, the inventor. *The undersigned is empowered to act on behalf of William Kerfoot* (emphasis added)." Therefore the terminal disclaimer clearly

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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February 9, 2004
Andrea H. Francis
ANDREA H. FRANCIS

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complies with 37 CFR 1.321(b) and/or (c) and obviates the double patenting rejection of claims 13, 14, 24-26 and 27-40. A copy of the terminal disclaimer is attached herewith.

If the examiner still feels that the applicant is in error, the applicant would respectfully request that the examiner kindly telephone the undersigned at the number below to discuss.

Applicant has also enclosed an Information Disclosure Statement with accompanying references. These references whether taken separately or in combination with the references already of record are seen as neither describing nor suggesting applicant's invention.

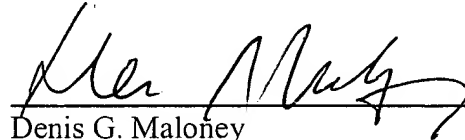
Early allowance of the application in view of the above is requested.

Please apply any other charges or credits to deposit account 06-1050, reference 10578-003002.

Respectfully submitted,

Date: _____

2/9/04



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906